

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

In Re:)	Case No.: 20-02061
)	
Mercy John)	Chapter 13
)	
Debtor(s).)	Judge Carol A. Doyle

NOTICE OF MOTION

To: Mercy John, 9435 N Leamington St. Skokie, IL 60077 *via US Mail*
Tom Vaughn, Chapter 13 Trustee *notice via ECF delivery system*
The United States Trustee *notice via ECF delivery system*
Wells Fargo Home Mortgage, Attn: Written Corres/Bankruptcy, Mac#2302-04e Pob 10335, Des Moines, IA, 50306 *via certified Mail*
Wells Fargo Home Loan Services, 411 Oakland Park, FL 33334 *via certified Mail*
Wells Fargo Corporate Offices, 420 Montgomery Street, San Francisco, CA 94104 *via certified Mail*
See attached service list

PLEASE TAKE NOTICE that on March 17, 2020 at 9:30 a.m. or as soon thereafter as I may be heard, I shall appear before the Honorable Judge Carol A. Doyle or any other Bankruptcy Judge presiding in her place in at 219 South Dearborn, Courtroom 742, Chicago, IL, 60604 on the attached **Debtor's Motion to Determine Amount of Secured/Priority Claim (Rule 3012)** and shall request that the attached Order be entered, at which time you may appear if so desired.

/s/ David H. Cutler
David H. Cutler, esq.
Attorney for Debtor(s)

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a copy of this Notice and Motion was mailed to the above persons, at their respective addresses, postage prepaid, by depositing in the U.S. Mail and via certified mail to the persons listed above at 4131 Main St, Skokie IL 60076, before 5:00 p.m. on or before January 29, 2020.

/s/ David H. Cutler
Attorney for Debtor(s)

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

In Re:)	Case No.: 20-02061
)	
Mercy John)	Chapter 13
)	
Debtor(s).)	Judge Carol A. Doyle

MOTION TO DETERMINE AMOUNT OF SECURED/PRIORITY (RULE 3012)

NOW COMES the Debtor, Mercy John. by and through her Attorneys, Cutler and Associates, Ltd., and complaint of Wells Fargo Home Mortgage to 11 U.S.C. § 506(a), 28 U.S.C. 157(b)(2)(K) and Fed. R. Bankr.Pro. 3012 and states as follows:

1. The Debtor, Mercy John, owns the property located at 9435 N Leamington St. Skokie, IL 60077.
2. Wells Fargo Home Mortgage, holds the first mortgage lien (account ending in 7493) on the aforementioned real estate.
3. Wells Fargo Home Mortgage, also holds the second mortgage lien (account ending in 0723) on the aforementioned real estate.
4. On January 24, 2020, Mercy John filed a Petition for Relief under Chapter 13 of Title 11 of the United States Code in the Northern District of Illinois, Eastern Division, as case number 20-02061.
5. The Debtors plan has not yet been confirmed.
6. This motion arises under Section 506 of the United States Bankruptcy Code.
7. This Honorable Court has jurisdiction pursuant to 28 U.S.C. §§ 151, 157 and 1334 and Local Rule 2.33 of the United States District Court for the Northern District of

Illinois, in that this action relates to the Bankruptcy Case No. 20-02061, In Re: Mercy John, which is presently pending before this Honorable Court.

8. This proceeding is a core proceeding under 28 U.S.C. § 157(b)(2)(K).
9. Mercy John is the owner of real estate (hereinafter called “the real estate”) commonly known as 9435 N Leamington St. Skokie, IL 60077.
10. The fair market value of the real estate is \$257,000.00 pursuant to an appraisal effective as of January 4, 2020. (see attached Exhibit A)
11. A first mortgage lien (account ending in 7493) is held by Wells Fargo Home Mortgage for the property at 9435 N Leamington St. Skokie, IL 60077 in the estimated secured amount of \$323,664.00.
12. A second mortgage lien (account ending in 0723) is also held by Wells Fargo Home Mortgage for the same property at 9435 N Leamington St. Skokie, IL 60077 in the estimated amount of \$41,411.00.
13. Under 11 U.S.C. §§ 506(a), Wells Fargo Home Mortgage secured lien (account ending in 7493) would be an allowed secured claim to the extent of the value of the estate’s interest in the property securing the claim and the Wells Fargo Home Mortgage second lien (account ending in 0723) is void to the extent it is not an allowed secured claim.
14. The amount owed on the first mortgage, is an estimated \$323,664.00 and exceeds the value of the underlying property, which is valued at \$257,000.00 per the attached appraisal (see exhibit A) effective January 4, 2020.

WHEREFORE, Debtor, Mercy John, prays that this Honorable Court enter an order (i) valuing the Debtor’s real estate at \$257,000.00 and (ii) finds that the second lien (account ending

in 0723) of Wells Fargo Home Mortgage with an estimated balance of \$41,411.00 is completely unsecured and (iii) for such further relief as this Court deems just and proper.

Respectfully Submitted,

/s/ David H. Cutler

David H. Cutler, esq.
Attorney for Debtor(s)
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